



PATENT APPLICATION
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 2115

EXAMINER: Mark A. Connolly

APPLICANT: Paul E. Madden et al.

SERIAL NO.: 09/788,191

FILED: February 17, 2001

FOR: Booting an operating system or running other
pre-boot code from a file stored under a
different operating system

AMENDMENT

CERTIFICATE OF MAILING

DATE OF MAILING: May 4, 2004

I hereby certify that this paper and fee (along with any paper or fee referred to as being attached or enclosed) is being mailed, postage paid, in a package addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated above.

Sheila Halterman
Printed Name: **Sheila Halterman**

Mail Stop Non-Fee Amendment
Commissioner for Patents
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Technology Center 2100

Dear Patent Official:

In response to the Office Action mailed February 20, 2004, Applicants and Assignee respectfully submit the following Amendment and remarks, and they request favorable reconsideration of this application.

Customer Number and Address

Please note that this application should now be associated with Customer Number 20,551, at the address for that Customer Number. The undersigned is already an attorney of record in this case; he has simply changed firms.

Examiner Interview

The undersigned thanks the Examiner for the Examiner interview conducted by phone on April 28, and briefly also on April 29. The Office Action, claims, and references were discussed.

Agreement was reached as to the oath, Section 112 rejections, claim 11 correction, and rejections made under Sections 102, 103 in view of Stewart (U.S. Patent No. 6539456). As a result, no new oath or declaration is required (*see* M.P.E.P. § 602); the Section 112 rejections are being withdrawn (no amendment is required); a typographical error is fixed in claim 11 – this is not a narrowing amendment under *Festo* but is merely ministerial (*see* parallel claims 9, 10, and the first paragraph of page 33); and the rejections made in view of Stewart are being withdrawn at least because Stewart does not redirect I/O as claimed.

Agreement was not reached as to the rejections made under Sections 102, 103 in view of Kwan (U.S. Patent No. 6415382). Thus, claims 1, 2 and 5 will remain rejected under Section 102 as anticipated by Kwan, and claim 3 will remain rejected under Section 103 as obvious in view of Kwan.

Remarks

As a result of the partial agreement reached in the Examiner interview, the only point of disagreement left is the patentability of claims 1, 2, 3 and 5 in view of Kwan. The undersigned maintains that Kwan does not render those claims unpatentable.

However, in order to allow the remaining claims to move forward – they are now agreed to be allowable – argument against the Kwan-based rejections will not be presented here. The right to pursue original claim 1 in a continuation application is reserved. But in this application, claim 1 is amended to include allowable claim 6, which is canceled. This makes claim 1 and all its remaining dependent claims allowable.